

California Code of Regulations

TITLE 21. PUBLIC WORKS

DIVISION 1. DEPARTMENT OF GENERAL SERVICES

CHAPTER 1. OFFICE OF THE STATE ARCHITECT

SUBCHAPTER 2.5. VOLUNTARY CERTIFIED ACCESS SPECIALIST PROGRAM

Program Regulations

Article 1 – General Provisions

Section 111. Purpose of the Chapter. These regulations are adopted by the Division of the State Architect to implement and make specific the voluntary Certified Access Specialist Program commencing with Section 4459.5 of the Government Code.

Participation in this program is voluntary and is designed to ensure that the individuals participating in this certification program are knowledgeable of state and federal accessibility laws and regulations and possess the expertise to promote access to facilities for persons with disabilities.

Authority: Section 4459.5 Government Code
Reference: Section 4459.5, Government Code

Section 112. Authority. The State Architect is responsible for determining the criteria for eligibility and certification of individuals participating in this voluntary Certified Access Specialist Program pursuant to the provisions of Chapter 7, Division 5, Title 1, Government Code, Section 4459.5.

Certification shall only be granted by the voluntary Certified Access Specialist Program, which operates within the Division of the State Architect.

Authority: Section 4459.5, Government Code
Reference: Section 4459.5, Government Code

Section 113. CASp Scope of Work. Services rendered by a CASp, upon authorization by a facility owner and/or authorized requesting party, may include the following:

- a) Review of facility plans and specifications for compliance with state and federal accessibility laws, codes and regulations.
- b) Investigate a facility for compliance with state and federal accessibility codes and regulations.

- c) Conduct accessibility research, prepare accessibility reports, and/or conduct accessibility inspections, as authorized.

Authority: Section 4459.5 Government Code
Reference: Section 4459.5 Government Code

Section 114. Work Limited to Design Professionals. Individual design professionals licensed and/or registered by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer may provide professional design services permitted by their applicable license or registration. Their services may be inclusive of Section 113. CASp Scope of work. However CASp certification requires completing the application process and obtaining a passing score on the CASp examination, and after payment of all required fees.

Authority: Section 4459.5, Government Code
Reference: Section 4459.8(a), Government Code

Article 2 – Definitions

Section 121. Definitions. As used in this Chapter, the term:

“Access Requirement” means a provision for disability access in federal or state law, regulation, building code or government standard, applicable to the design, construction or inspection of facilities.

“Certified Access Specialist (CASp)” means any individual currently holding a certificate of Certified Access Specialist.

“Facility” means all or any portion of buildings, site improvements, roads, walks, passageways, or parking lots.

“GED” means General Equivalency Diploma.

“Program” means the voluntary Certified Access Specialist Program.

Authority: Section 4459.5, Government Code
Reference: Sections 4459.5 and 4459.7(c), Government Code

Article 3 – Certification Process

Section 131. Candidate Eligibility Application.

In order to apply to be a CASp, candidates must submit a completed Candidate Eligibility Application form, Form DSA-600, 1/05/08 to establish eligibility for the certification examination.

Authority: Section 480 and 481, Business and Professions Code, and Section 4459.5 Government Code
Reference: Section 493, 480, and 481, Business and Professions Code

Section 132. Criminal Convictions.

- a) The State Architect or Designee may deny acceptance of an applicant into the Program because of a criminal conviction as set forth in Section 151 (a) (2).
- b) The State Architect or Designee shall require the applicant or certificate holder to provide documents concerning criminal convictions as set forth in Section 151 (a) (2) including, but not limited to, certified court documents, certified court orders or sentencing documents. Failure to provide those documents shall result in application denial, certificate suspension, or denial of certification renewal.

Authority: Section 480 and 481, Business and Professions Code, and Section 4459.5 Government Code
Reference: Section 493, 480, 481, 7066, 7069, 7073, and 7153.1, Business and Professions Code

Section 133. Education and Experience.

Minimum candidate education and experience eligibility for examination acceptance may be satisfied by:

EITHER:

(A)1 Education: Thirty semester units of college coursework with major work in Architecture, Architectural Technology, Building Science, City and Regional Planning, Civil Engineering, Construction Management, Environmental Design, Industrial Design, Interior Architecture/Design, Landscape Architecture, Urban and Regional Design; and

(A)2 Experience: Two years of employment

- a) by a code enforcement agency (state, city, and/or county building department); as a plan reviewer, building inspector, or consulting entity; or
- b) by a licensed architect, licensed landscape architect, interior designer, registered civil engineer and/or registered structural engineer and with responsibility for planning, design, and/or field inspection; or

- c) as a licensed general contractor (Class A or B); or
- d) by a licensed general contractor as a superintendent with project management oversight.

OR:

(B)1 Education: High school diploma or GED; and

(B)2 Experience: Four years of employment:

- a) by a code enforcement agency (state, city, and/or county building department); as a plan reviewer, building inspector, or consulting entity; or
- b) by a licensed architect, licensed landscape architect, interior designer, registered civil engineer and/or registered structural engineer and with responsibility for planning, design, and/or field inspection; or
- c) as a licensed general contractor (Class A or B); or
- d) by a licensed general contractor as a superintendent with project management oversight.

OR:

(C) Three years of employment in a specialized area of disability access rights, conducting assessments of facilities to determine adequacy related to the specific needs of the disability community.

OR:

(D) Professional license, or registration, issued by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer.

Authority: Sections 4459.5, Government Code
Reference: Section 4459.5, Government Code

Section 134. Candidate Examination. An examination will be administered to assess each candidate's knowledge of access laws, codes and regulations. The examination may cover a variety of areas including:

- a) Public Services (Title II), Public Accommodations and Services Operated by Private Entities (Title III), and Miscellaneous Provisions (Title V) of the *Americans with Disabilities Act of 1990* (42 USC Chapter 126), and promulgating regulations, the *Americans with Disabilities Act Accessibility Guidelines (ADAAG)*.
- b) Regulations for accessibility throughout all

parts of the current edition of the C.C.R., Title 24, California Building Standards Code.

- c) California Laws for accessibility in the Government Code, Health and Safety Code, and Civil Code.
- d) Fair Housing Amendments Act of 1988 (42 USC Sections 3601–3620) and promulgated technical guidance in the Fair Housing Accessibility Guidelines.
- e) Architectural Barriers Act of 1968, as amended (42 USC Section 4151 et seq) and promulgating regulations, the Uniform Federal Accessibility Standards (UFAS).
- f) American National Standard for Accessible and Usable Buildings and Facilities (ANSI A117.1).
- g) California Department of Housing and Community Development (HCD) A Voluntary Model Universal Design Local Ordinance (AB 2787) (Chapter 726 of Statutes of 2002, adopted Section 17959 of the Health & Safety Code) most recent edition.
- h) HCD New Home Universal Design Checklist (Section 17959.6 of the Health and Safety Code) the most recent edition.

Authority: Section 4459.5, Government Code
Reference: Section 4459.5, Government Code

Section 135. Certification Qualification. A candidate becomes eligible for certification as a CASp after attaining a passing score on the Candidate Examination, and after payment of the certification fee. The passing standard for the examination shall be established in accordance with professional standards such as the Standards for Educational and Psychological Testing (AERA/APA/NCMA, 1999), the Principles for the Validation and Use of Personnel Selection Procedures, the Federal Uniform Guidelines on Employee Selection Procedures (1978), and recommendations described in the Standards for the Accreditation of Certification Programs (NOCA, 2006) by the National Commission for Certifying Agencies (NCCA).

Upon successful completion of the Candidate Examination, an individual, after payment of certification fee, will receive an official CASp Certificate, which evidences the successful completion of the examination and certification as a CASp under the voluntary Certified Access Specialist Program. This certification will be valid for a three year period.

Authority: Section 4459.5, Government Code
Reference: Section 4459.5, Government Code

Section 136. Certification Renewal. A CASp becomes eligible for renewal of certification upon payment of a recertification fee, together with verification of having completed, during each three year period of certification, a minimum of 15 Continuing Education Units (CEU's), of classes in Federal and State regulatory updates, and Universal Design. Classes should address changes to the laws and regulations identified in Section 134. Each CEU is equivalent to one hour of instructional time. When a certificate holder meets all the requirements for recertification, the certificate holder will be certified for an additional three year period.

Authority: Sections 4459.5, Government Code
Reference: Section 4459.8(a) Government Code

Article 4 – Fees

Section 141. Fees. In order to participate in the voluntary Certified Access Specialist Program, the following fees will be required:

- a) Initial certification. The total in fees for initial certification is \$1,600.00
 - 1. \$500.00 Application Fee, for processing Candidate Application; non-refundable. This fee will cover the administrative cost of application processing and eligibility evaluation. It is required of all new candidates, and is due at the time the application is submitted.
 - 2. \$800.00 Candidate Examination Fee, to take the Certification Examination; non-refundable. This fee will cover the cost of examination process administration. Fee is due at registration.
 - 3. \$300.00 Certification Fee, for program administration over the initial three-year term of certification; non-refundable. Fee is due when candidate is notified of having passed the examination.
- b) Certification renewal. The total in fees for certification renewal is \$500.00.
 - 1. \$200.00 Verification of CEU's prior to Certification Renewal. This fee is non-refundable and will cover administration costs for reassessment of qualifications related to renewal of certification, prior to expiration of the current term of certification. Fee is due with the application for certification renewal prior to expiration of current certification.
 - 2. \$300.00 Certification Renewal Fee, for

program administration over an additional three-year term of certification; non-refundable. Fee is due upon notification of approval of renewal.

Authority: Section 4459.8(b)-(c), Government Code
Reference: Section 4459.8(b)-(c), Government Code

Article 5 – Enforcement

Section 151. Grounds for Certification Suspension, or Denial of Certification Renewal.

- a) The State Architect or Designee may suspend certification or deny certification renewal when any of the following conditions exist:
 - 1. The requirements of this subchapter have not been satisfied.
 - 2. The certificate holder or recertification candidate has been convicted of a crime considered to be substantially related to the qualifications, functions or duties of a person holding a certificate to perform the functions authorized by the certificate in a manner consistent with the public health, safety, or welfare. Such crimes shall include but not be limited to the following:
 - (a) A conviction of child abuse.
 - (b) A conviction as a sex offender.
 - (c) The conviction of any crime involving narcotics, dangerous drugs, or dangerous devices, as defined in Section 4022 of the Business and Professions Code.
 - (d) A conviction for assault and/or battery or lewd conduct.
 - 3. The State Architect has received a factual complaint, or other relevant information regarding the work of a certified access specialist. The State Architect, upon consideration of any factual complaints regarding the work of a certified access specialist or of other relevant information, may suspend certification or deny renewal of certification. The State Architect will be evaluating the work of the Certified Access Specialist based upon compliance with the existing codes, regulations and statutes.
- b) The notice of suspension of a certificate or denial of a certification renewal shall be in writing and shall specify the grounds for the suspension or denial of the certification.

Authority: Section 4459.8, Government Code.
Reference: Sections 4459.5 – 4459.8, Government Code.

Section 152. Criteria for Rehabilitation. When considering initial certification, suspension of certification, or denial of certification renewal on the grounds of Article 5, Section 151(a) of an applicant or certificate holder convicted of a crime, the State Architect or Designee in evaluating the rehabilitation of such person and his/her eligibility for examination or certification may consider the following criteria:

- a) Nature and severity of the act(s) or offense(s).
- b) The time that has elapsed since commission of the act(s) of offense(s).
- c) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

Authority: Sections 481, Business and Professions Code, and Section 4459.8, Government Code.
Reference: Sections 480 and 481, Business and Professions Code and Sections 4459.5 – 4459.8, Government Code.

Section 153. Filing an Appeal.

- a) The State Architect or his/her designee has the discretion to immediately order that a certification be temporarily invalidated or to seek additional information, pending a final determination by the State Architect or his/her designee pursuant to Section 151(a). The decision to temporarily invalidate a certification will be made on a case by case basis, as necessary to ensure public health, safety and welfare.
- b) State Architect or his/her designee shall provide the CASp with written notice that their certification has been temporarily invalidated as of a specific date or is subject to suspension or denial pursuant to Section 151(a), pending a final determination. The written notice shall include the reasons for the action being taken or investigated, as applicable, and provide a summary of the facts and allegations. Service of the written notice of the proposed action shall be confirmed by certified mail.
- c) Written notice of the final determination by the State Architect or his/her designee shall be confirmed by certified mail within 60 days from the initial written notification. The time to render his/her determination may be extended an additional 30 days, as necessary to consider any additional supporting documentation provided to the State Architect, voluntary Certified Access Specialist Program, relevant to the issue

being investigated.

- d) An appeal of an action by the State Architect or his/her designee to suspend certification or to deny renewal of a certification must be filed in writing with the Division of the State Architect, voluntary Certified Access Specialist Program within 60 days of the date posted on the certified service of the written notice of the final determination from the State Architect. Unless a hearing is specifically requested as provided in subsection (f) below, the appeal will be based on an analysis of the materials available.
- e) Within 60 days from the date of receipt of the appeal, the State Architect or his/her designee shall render his/her determination on the appeal. The time to render the determination may be extended an additional 30 days, as necessary to conclude any research or investigation required, at the discretion of the State Architect or his/her designee.
- f) Should an individual submit a written request for a hearing, the State Architect may designate an appropriate hearing officer to conduct the hearing. Written notice of the date and time of the hearing and the reasons for the action being taken or investigated, as applicable, shall be provided to the applicant or CASp. The hearing shall be limited in scope to the actions stated in the written notice. The applicant may bring a representative of his/her choice.
- g) The applicant or CASp shall be notified in writing of the determination made by State Architect or his/her designee regarding the appeal. Service of the written notice of the decision shall be confirmed by certified mail.
- h) Any appeal of a decision rendered by the State Architect or his/her designee regarding certification may be appealed to the Superior Court.

Authority: Section 4459.8, Government Code.

Reference: Sections 4459.5 – 4459.8, Government Code